IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET.
APPEAL FROM ORDER NO.347 OF 2002

The Municipal Corporation of
Greater Mumbai ...Appellant

Vs.

Karim Umar Bilakhiya ...Respondent

CORAM: A.S.OKA,J.
DATE : FEBRUARY 15, 2005.

P.C.:

1. Heard Counsel appearing for the Appellant. By the impugned order dated 4th May 2001 the learned Trial Judge has granted temporary injunction in favour of the Respondent Nos.1 to 3 restraining the Appellants from taking any action under Section 354-A of Mumbai Municipal Corporation Act, 1888 by removing portion of the construction till the final disposal of the suit. The said order is operating for last more than three and half years. The said order is passed on prima facie consideration of the merits of the suit. Hence, no interference is called for at this stage. Appeal is dismissed with no order as to costs.

2. It is made clear that this order will not prevent the Appellant-Mumbai Municipal Corporation from initiating action under Section 351 of Mumbai Municipal Corporation Act, 1888 in accordance with law.

JUDGE.